

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDERICK LAMARR MCCLOUD,

Defendant.

Case Number 07-15013

Honorable David M. Lawson

Magistrate Judge Virginia M. Morgan

ORDER ADOPTING REPORT AND RECOMMENDATION

The United States filed this action in November 2007 seeking to invalidate filings made by the defendant to the Michigan Secretary of State against two Assistant United States Attorneys. The matter was originally assigned to Judge Gadola, and was reassigned to Judge Murphy on September 4, 2008. Judge Murphy entered an order disqualifying himself, and the matter was assigned to the undersigned on September 12, 2008.

Presently before the Court is the report issued on July 22, 2008, by Magistrate Judge Virginia M. Morgan pursuant to 28 U.S.C. § 636(b) recommending that this Court grant the plaintiff's motion for summary judgment and motion to dismiss the defendant's counterclaim, and deny the defendant's motion to dismiss, motion for summary judgment, and motion for default judgment. The report also recommends that the Court declare the Financing Statement and Amendments filed by the defendant to be ineffective, order the Secretary of State of Michigan to terminate the Financing Statement and Amendments, and enter a permanent injunction preventing the defendant from filing liens against federal employees or officials without leave of court. The report and recommendation was sent to the address that the defendant gave the Court.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 26] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #11] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion to dismiss the defendant's counterclaim [dkt. #14] is **GRANTED**. The defendant's counterclaim is **DISMISSED**.

It is further **ORDERED** that the defendant's motion to dismiss [dkt. #2] is **DENIED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #4] is **DENIED**.

It is further **ORDERED** that the defendant's motion for default judgment [dkt. #10] is **DENIED**.

It is further **ORDERED** that the Financing Statement and Amendments filed by the defendant are **DECLARED** to be ineffective.

It is further **ORDERED** that the office of the Secretary of State of Michigan is **DIRECTED** to terminate the Financing Statements and Amendments filed by the defendant.

It is further **ORDERED** that the defendant Frederick Lamarr McCloud is **RESTRAINED AND ENJOINED** from filing liens against federal employees or officials without leave of the Court.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 17, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 17, 2008.

s/Felicia M. Moses
FELICIA M. MOSES